

Application No. 10/562,517
 Paper Dated April 5, 2007
 Attorney Docket No. 4400-053057



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/562,517 Confirmation No. : 8067
 Applicant : James R. Howard
 Filing Date : June 30, 2006
 Title : COMPOSITION FOR THE TREATMENT OF
 DYSFUNCTIONAL ENERGY METABOLISM
 SYNDROME
 Art Unit : 1614
 Customer Number : 28289

MAIL STOP AMENDMENT
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

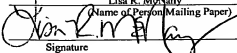
INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to the requirements of 37 CFR §§ 1.56, 1.97, and 1.98, the Applicants hereby submit this Information Disclosure Statement (IDS), together with a completed Form PTO/SB/08a. The cited U.S. patents are not enclosed pursuant to the waiver of the requirement under 37 C.F.R. § 1.98(a)(2)(i) for U.S. national patent applications filed after June 30, 2003.

This application is the U.S. national phase application of PCT Application Number PCT/US04/36308, filed October 29, 2004. U.S. Patent No. 6,562,869 was cited in an International Preliminary Report on Patentability (IPRP), dated March 6, 2006 and in an International Search Report (ISR) dated March 28, 2005 in the underlying PCT Application. A copy of the ISR and IPRP is provided herewith. The claims in the present invention are substantially similar to the claims filed in the PCT application and it should be noted that the IPRP states that Claims 1-18 meet the international criteria for novelty, inventive step, and industrial applicability.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 5, 2007

Lisa R. Morfey
 (Name of Person Mailing Paper)

 Signature Date 04/05/2007

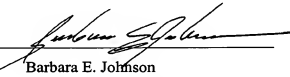
Application No. 10/562,517
Paper Dated April 5, 2007
Attorney Docket No. 4400-053057

U.S. Patent Nos. 5,889,055; 5,973,004; and 6,562,869 were cited on page 2 of the specification.

Since this Information Disclosure Statement is being submitted before the mailing date of a first Office Action on the merits, it is timely under 37 C.F.R. §1.97(b)(3) and no fee is required. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23-0650. One (1) original and two (2) copies of this Information Disclosure Statement are enclosed.

Respectfully submitted,

THE WEBB LAW FIRM

By 

Barbara E. Johnson
Registration No. 31,198
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com



Under the Patent Work Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

PTO/SB/06A (09-06)

Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Complete if Known

Application Number	10/562,517
Filing Date	June 30, 2006
First Named Inventor	James R. Howard
Art Unit	1614
Examiner Name	Not Yet Assigned
Attorney Docket Number	4400-053057

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	US- 5,889,055	03-30-1999	Howard	
	2	US- 5,973,004	10-26-1999	Howard	
	3	US- 6,139,872	10-31-2000	Walsh	
	4	US- 6,551,629	04-22-2003	Gorsek	
	5	US- 6,562,869	05-13-2003	Hamilton et al.	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			

Examiner Signature	/Sriram Kasturi/	Date Considered	08/19/2008
--------------------	------------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.